

REMARKS

The present application relates to a method of treating or inhibiting the growth of cancer cells and associated diseases by administering certain substituted triazolopyrimidines.

Reconsideration and allowance of the application are respectfully requested in light of the foregoing amendments and the following remarks.

Claims 1-22, 67, 70 and 73-97 are pending in the application. By the current amendments claims 1, 5, 9, 13, 21, 73, 78, 82, 86 and 94 are canceled, and claims 2-3, 8, 12, 16-18, 20, 22, 70, 74-76, 81, 85, 89-91, 93 and 95 are amended.

Applicants acknowledge the Examiner's removal of previous rejections under 35 USC 112, second paragraph.

In an office communication of September 30, 2003 the Examiner provided a restriction to invention groups I-IV. In particular, the Examiner has in the restrictions I-III defined R² to be optionally substituted phenyl. Applicants provisionally elected Group I with traverse. However, the traverse was rejected by the Examiner, because the applicants did not distinctly and specifically point out the supposed errors in the restriction requirement and the election was treated as an election without traverse. Applicants respectfully believe that the errors in the restriction requirement were pointed out. However, applicants in order to advance prosecution have further amended claims to comply with the Group I election and cancel non-elected subject matter. In particular, applicants have amended R² of claims 2, 70 and 75 to optionally substituted phenyl and further amended claims 2-3, 8, 12, 16-18, 20, 22, 70, 75-76, 81, 85, 89-91, 93 and 95 to restrict R¹ as not being a ring of 7 or 8 members or a spiro ring. Applicants have further canceled claims 5, 9, 13, 21, 73, 78, 82, 86 and 94 to comply with the restriction of R² in Group I.

Amended claim 2 is the same scope as original claim 2 made independent and amended to remove restricted subject matter.

Amended claim 75 is the same scope as original claim 75 made independent and amended to remove restricted subject matter.

Applicants will rely on rights provided under 35 USC 121 to prosecute the non-elected aspects of the invention in divisional applications.

Rejection Under 35 USC 112, First Paragraph

The Examiner has rejected claims 1, 2, 70 and 73 under 35 USC 112 first paragraph as failing to comply with the written description requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As previously set forth, Claims 1 and 73 have been canceled. Applicants believe that the new matter rejection under 35 U.S.C. 112 first paragraph for claims 1 and 73 may be removed.

Claims 2, and 70 have been amended to remove the 35 USC 112 first paragraph rejection. In particular, the restriction requirement has obviated the need for proviso (m) in claims 2 and 70 added by amendment. Claim 2 is the same scope as original claim 2, made independent and amended to remove restricted subject matter. Support for amended and independent claim 2 is found throughout the specification and in the claims as filed. Amending claims 2 and 70 to remove proviso (m) overcomes the new matter rejection under 35 U.S.C. 112 first paragraph. Applicants believe they have complied with the 35 USC 112, first paragraph and claims 2, and 70 are allowable.

Applicants respectfully request the Examiner to reconsider and withdraw the rejections and allow claims 2 and 70.

The Examiner has also rejected claims 3-21, 67, and 74-94 under 35 USC 112 first paragraph as they depend on claim 2 and 73.

Claim 2 has been rewritten in independent form and amended as described above to remove the 35 USC first paragraph rejection. Applicants believe that claims 3-4, 6-12 and 14-20

dependent on claim 2 as amended to remove proviso (m) are allowable as well as claim 67 which is also dependent on claim 2. Applicants respectfully request the Examiner to reconsider and withdraw the rejections and allow claims 3-4, 6-12 and 14-20 dependent on amended claim 2.

Claim 73 has been canceled and claims 74, 76-77, 79-85 and 87-93 have been amended to be dependent on claim 75. Claim 75 has been rewritten in independent form and amended to remove proviso (m) which applicants believe overcomes the new matter rejection under 35 U.S.C. 112 first paragraph. Applicants respectfully request the Examiner to reconsider and withdraw the rejections and allow claims 74, 76-77, 79-85 and 87-93 dependent on amended claim 75.

The Examiner has objected to claim 22, and claims 95-97 as being dependent upon a rejected base claim and would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for his statement that claims 22 and 95-97 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Applicants have not rewritten claims 22 and 95-97 but believe that amended independent claims from which they now depend should be allowable. Further, applicants believe amended claims 2-3, 8, 12, 16-18, 20, 22, 70, 74-77, 81, 85, 89-91, 93 and 95, original claims 15, 67 and 88 and previously presented claims 4, 6-7, 10-11, 14, 19, 79-80, 83-84, 87, 92 and 96-97 should be allowable based on previous remarks.

Applicants respectfully request the Examiner to reconsider and withdraw the rejections and allow the claims.

Applicants have further amended the specification as described below on pages 63 and 70 to correct typographical errors in the chemical names, and clarify the text where there were unmatched brackets, parenthesis, or repetitive numbers in the names as filed. No new matter has been added. Applicants respectfully ask the Examiner to allow the corrections of the typographical errors in certain chemical names the specifics of which are the following:

The paragraph on page 63 starting on line 7 and ending on line 8 has been amended wherein a (is replaced with a [now is:

4-[5-chloro-7-(2,2,2-trifluoro-1-methyl-ethylamino)[1,2,4]triazolo[1,5-a]pyrimidin-6-yl]-3,5-difluoro-phenol.

The paragraph on page 63 starting on line 13 and ending on line 14 has been amended wherein a { is replaced with a (and a (has been deleted now is:

5-chloro-6-(2,6-difluoro-4-methoxyphenyl)-N-(2,2,2-trifluoro-1-methylethyl)[1,2,4]triazolo[1,5-a]pyrimidin-7-amine.

The paragraph on page 63 starting on line 16 and ending on line 18 has been amended wherein a] has been replaced with a) now is:

(5-chloro-6-{4-[2-(2-ethoxyethoxy)-ethoxy]-2,6-difluoro-phenyl}[1,2,4]triazolo[1,5-a]pyrimidin-7-yl)-(2,2,2-trifluoro-1-methylethyl)amine.

The paragraph on page 63 starting on line 23 and ending on line 24 has been amended wherein a { has been added and 3- deleted and the addition of a] now is:

{5-chloro-6-[2,6-difluoro-4-(furan-3-ylmethoxy)phenyl][1,2,4]triazolo[1,5-a]pyrimidin-7-yl}-N-(2,2,2-trifluoro-1-methylethyl)amine.

The paragraph on page 70 starting on line 1 and ending on line 2 has been amended wherein 3- has been deleted now is:

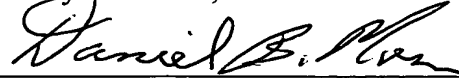
5-chloro-N-(tricyclo[2.2.1.0^{2,6}]hept-1-yl)-6-(2,4,6-trifluorophenyl)[1,2,4]triazolo[1,5-a]pyrimidin-7-amine.

Further the typographical errors in the text of the specification described above were also repetitive in claims 22 and 95. Claims 22 and 95 have further been amended to remove the repetitive typographical errors. No new matter has been added.

Applicants believe this amendment overcomes the 112 rejection.

In conclusion, applicants respectfully request that the Examiner enter the amendment, reconsider the rejections in light of the remarks herein, amendments to the claims and specification and allow the application. Favorable treatment is earnestly solicited.

Respectfully submitted,



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